

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Timothy Johnson, #370487, vs. Shannon Coker, Richard McCullugh, Glenn Woods, Rhett Holding,	) C/A No. 4:21-3736-SAL-TER Plaintiff, ) ) ) ) Defendants. ) ) )
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## ORDER

Shannon Coker,  
Richard McCullugh,  
Glenn Woods,  
Rhett Holding,

Defendants.

This is an action filed by a state prisoner. This case is before the court due to Plaintiff's failure to comply with the magistrate judge's order to file a complete signed complaint form and pay the fee or apply for *in forma pauperis* status. [ECF No. 5.]

The order was sent to the address provided by Plaintiff and was not returned as undeliverable. Because the mailed copy of the order has not been returned to the court, it is presumed that Plaintiff received the order and neglected to comply with its mandates within the time permitted. The court has not received a response from Plaintiff and the time for compliance has passed. Further, a review of the record indicates that the magistrate judge specifically informed Plaintiff that if Plaintiff failed to comply with the order, this case would be subject to dismissal.

Plaintiff's lack of response to the order indicates an intent to not prosecute this case, and subjects this case to dismissal. *See Fed. R. Civ. P. 41(b)* (district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*). Accordingly, this case is **DISMISSED without prejudice**. The Clerk of Court shall close the file.

**IT IS SO ORDERED.**

Florence , South Carolina  
December 29, 2021

/s/Sherri A. Lydon

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The Honorable Sherri A. Lydon  
United States District Judge